

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 467

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John A. Heaton

AN ACT

**RELATING TO EMERGENCY MANAGEMENT; ENACTING THE EMERGENCY POWERS
CODE; ENACTING THE EMERGENCY LICENSING ACT; RECOMPILING
SECTIONS OF THE NMSA 1978 REGARDING DISASTER RELIEF AND
EMERGENCY MANAGEMENT.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. A new section of Chapter 12 NMSA 1978 is
enacted to read:**

**"[NEW MATERIAL] SHORT TITLE. -- Chapter 12, Articles 10,
10A, 11 and 12 NMSA 1978 may be cited as the "Emergency Powers
Code". "**

**Section 2. A new section of Chapter 12 NMSA 1978 is
enacted to read:**

**"[NEW MATERIAL] SHORT TITLE. -- Sections 12-10-11 through
12-10-13 NMSA 1978 may be cited as the "Emergency Licensing**

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Act". "

2 Section 3. Section 12-10A-19 NMSA 1978 (being Laws 2003,
3 Chapter 218, Section 19) is amended to read:

4 "12-10A-19. ENFORCEMENT--CIVIL PENALTIES.--

5 A. The secretary of health, the secretary of public
6 safety or the director may enforce the provisions of the Public
7 Health Emergency Response Act by imposing a civil
8 administrative penalty of up to five thousand dollars (\$5,000)
9 for each violation of that act. A civil administrative penalty
10 may be imposed pursuant to a written order issued by the
11 secretary of health, the secretary of public safety or the
12 director after a hearing is held in accordance with the rules
13 promulgated pursuant to the provisions of Section [~~16 of the~~
14 ~~Public Health Emergency Response Act~~] 12-10A-17 NMSA 1978.

15 B. The provisions of the Public Health Emergency
16 Response Act shall not be construed to limit specific
17 enforcement powers enumerated in that act.

18 C. The enforcement authority provided pursuant to
19 the provisions of the Public Health Emergency Response Act is
20 in addition to other remedies available against the same
21 conduct under the common law or other statutes of this state."

22 Section 4. TEMPORARY PROVISION--RECOMPILATION.--

23 A. Sections 6-7-1 through 6-7-3 NMSA 1978 (being
24 Laws 1955, Chapter 185, Sections 1 through 3, as amended) are
25 recompiled as part of Chapter 12, Article 11 NMSA 1978.

. 154293. 2

